

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Crl.MC.No. 3776 of 2015 ()

**CP.NO. 423/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,KOZHIKODE
CRIME NO.423/2014 OF MANJESHWAR POLICE STATION, KASARAGOD**

PETITIONER(S)/ACCUSED:

1. JAVID AHAMMED, AGED 30 YEARS,
S/O.ABDULKARIM, R/AT TAJ MANZIL, KODIBAIL,
UPPALA.P.O., MANJESHWAR TALUK, KASARAGOD DISTRICT.
2. MUHAMMED LUMAN @ LULU, AGED 28 YEARS,
S/O.RAHMATHULLA, UMAISA MANZIL, KODIBAIL,
UPPALA.P.O., KASARAGOD DISTRICT.

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SATHEESAN, AGED 39 YEARS,
S/O.KOGGUVELICHAPPADAN, JAYANAGAR, KONDEVOOR,
MULINJA, MANJESHWAR, KASARAGOD DISTRICT.

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH.R
R2 BY ADV. SMT.K.S.SANTHI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 3776 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX 1- CERTIFIED COPY OF THE FINAL REPORT FILED IN CRIME NO.423/2014.

**ANNEX 2- TRUE COPY OF THE AFFIDAVIT DATED 16.6.15 SWORN BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.3776 Of 2015

Dated this the 29th day of June, 2015.

ORDER

The petitioners are accused in Anx-1 final report/charge sheet filed in Crime No.423/2014 of Manjeshwar Police Station registered for offences alleged under Secs.341 & 308 r/w 34 IPC, which is now pending as C.P.No.423/2014 on the file of the Judicial First Class Magistrate Court-I, Kasaragod. It is submitted that the matter has been settled between the parties in order to keep amicable relationship between the parties and that the 2nd respondent (defacto complainant) has sworn to Anx-2 affidavit wherein he has stated that he has no objection in the quashment of the impugned criminal proceedings pending against the petitioners. It is in the light of these aspects that the petitioners have filed this Crl.M.C seeking the prayer for quashment of the impugned criminal proceedings.

2. In a catena of decisions, the Apex Court has held that, in appropriate cases involving even non-compoundable offences,

Crl.M.C.No.3776 Of 2015

the High Court can quash prosecution by exercise of the powers under Sec.482 of the Cr.P.C., if the parties have really settled the whole dispute or if the continuance of the prosecution will not serve any purpose. Here, this Court finds a real case of settlement between the parties and it is also found that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court. On a perusal of the petition and on a close scrutiny of the investigation materials on record and the affidavit of settlement and taking into account the attendant facts and circumstances of this case, this Court is of the considered opinion that the legal principles laid down by the Apex Court in the cases as in *Gian Singh v. State of Punjab* reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC 303 and *Narinder Singh and others v. State of Punjab and anr.* reported in (2014) 6 SCC 466, more particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

Crl.M.C.No.3776 Of 2015

3. Accordingly, it is ordered in the interest of justice that Anx-1 final report/charge sheet filed in Crime No.423/2014 of Manjeshwar Police Station, which is now pending as C.P.No.423/2014 on the file of the Judicial First Class Magistrate Court-I, Kasaragod and all further proceedings arising therefrom pending against the petitioners herein stand quashed under Sec.482 of the Code of Criminal Procedure.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-